

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 95-17852

Priority: July 25, 2019

Maximum Diversion Rate: 0.10 CFS

This is to certify that

KEN & AILEEN ZAKEN FAMILY TRUST 14807 N FORESTDALE DR RATHDRUM ID 83858-7168

has applied for a permit to appropriate water from:

Source : GROUND WATER

and a permit is APPROVED for development of water as follows:

Beneficial Use

DOMESTIC

Period of Use

01/01 to 12/31

Rate of Diversion

0.10 CFS

Location of Point(s) of Diversion

GROUND WATER NE¼ SE¼, Sec. 32, Twp 52N, Rge 04W, B.M. KOOTENAI County

Place of Use: DOMESTIC

Twp	Rng	Sec	NE				NW				SW				SE				No QQ	Totals
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE		
52N	04W	32													X			X		

Conditions of Approval

1. Proof of application of water to beneficial use shall be submitted on or before **October 01, 2024**.
2. Subject to all prior water rights.
3. Project construction shall commence within one year from the date of permit issuance and shall proceed diligently to completion unless it can be shown to the satisfaction of the Director of the Department of Water Resources that delays were due to circumstances over which the permit holder had no control.
4. Right holder shall comply with the drilling permit requirements of Idaho Code § 42-235 and applicable Well Construction Rules of the Department.
5. Domestic use is for 4 homes.
6. The irrigation occurring under this domestic use shall not exceed 1/2 acre per home.
7. This right authorizes the diversion of ground water within the Rathdrum Prairie Ground Water Management Area (RPGWMA). Use of water under this right shall be subject to the provisions of the RPGWMA management plan approved by the director, including its conservation goals.
8. When notified by the Department, the right holder shall install and maintain a measuring device of a type acceptable to the Department as part of the diverting works.
9. When notified by the Department, the right holder shall record the quantity of water diverted and annually report diversions of water and/or other pertinent hydrologic and system information as required by Idaho Code § 42-701, and/or the management plan for the Rathdrum Prairie Ground Water Management Area.
10. This right does not grant any right-of-way or easement across the land of another.

State of Idaho
Department of Water Resources
Permit to Appropriate Water
No. 95-17852

This permit is issued pursuant to the provisions of Idaho Code § 42-204.

Signed this 26th day of September, 2019.



DOUGLAS JONES
Northern Regional Manager

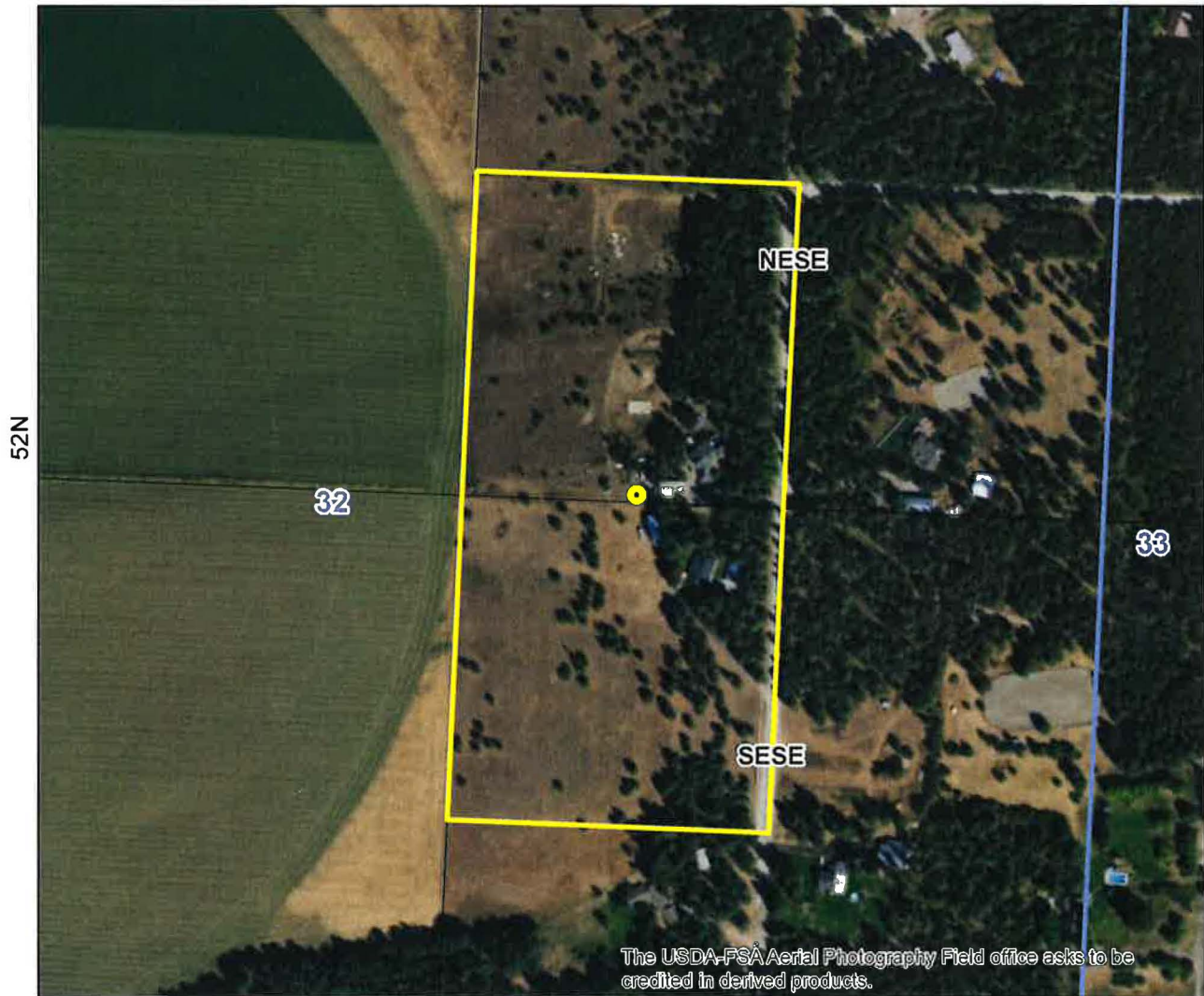
State of Idaho
Department of Water Resources

Attachment to Permit to Appropriate Water

95-17852

This map depicts the DOMESTIC place of use boundary for this water right at the time of this approval and is attached to the approval document solely for illustrative purposes.

04W



- Point of Diversion
- Place Of Use Boundary
- Townships
- PLS Sections
- Quarter Quarters

0 0.045 0.09 0.18 Miles





State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region • 7600 N MINERAL DR STE 100 • COEUR D ALENE, ID 83815-7763
Phone: (208)762-2800 • Fax: (208)769-2819 • Website: www.idwr.idaho.gov

Brad Little
Governor

Gary Spackman
Director

September 27, 2019

KEN & AILEEN ZAKEN FAMILY TRUST
14807 N FORESTDALE DR
RATHDRUM ID 83858-7168

RE: Permit No. 95-17852

Permit Approval Notice

Dear Permit Holder(s):

The Department of Water Resources ("Department") has issued the enclosed permit authorizing you to establish a new water right. Please be sure to thoroughly review all the conditions of approval listed on your permit. The conditions include requirements that you must accomplish, such as timely submittal of proof of beneficial use or installation of a measuring device, as well as information about how your water use may be administered, such as regulation by a watermaster in a water district. Failure to comply with the conditions of approval may result in your permit lapsing or being canceled.

The permit is a PRELIMINARY ORDER issued pursuant to Rule 730 of the Department's Rules of Procedure (IDAPA 37.01.01.730). It can and will become a final order without further action by the Department unless a party petitions for reconsideration, files exceptions, or requests a hearing as described in the enclosed information sheet.

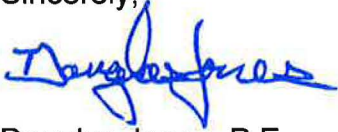
The final step in the water right process is issuance of a water right license. To receive a water right license, you must first commence the excavation or construction of your diverting works within one year of the date the permit was issued, and you must proceed diligently until the project is complete. In addition, you must divert and use water to the full extent intended and submit a *Statement of Completion for Submitting Proof of Beneficial Use* by the date shown in condition no. 1 of your permit. The Department will send you a *Proof Due Notice* approximately 60 days prior to the date listed in condition no. 1 of your permit.

You may also require approvals from other Department programs, such as Ground Water Protection, Safety of Dams, or Stream Channel Protection, to accomplish your proposed development. Please call or visit any Department office or see the Department's website at idwr.idaho.gov for more information about these programs.

Also, please note that permit holders are required to report any change of ownership and/or mailing address to the Department within 120 days of the change. Failure to report these changes could result in a \$100 late filing fee. Forms to assign ownership or update your address are available from any office of the Department or on the Department's website.

If you have any questions concerning the enclosed information, please contact the Northern Region Office at (208) 762-2800.

Sincerely,

A handwritten signature in blue ink, appearing to read "Douglas Jones", is written over the typed name.

Douglas Jones. P.E.
Northern Regional Manager

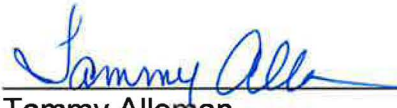
Enclosure(s)

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2019, I served a true and correct copy of Permit to Appropriate Water No. 95-17852 by hand delivery, to the following:

KEN & AILEEN ZAKEN FAMILY TRUST (Current Owner)
14807 N FORESTDALE DR
RATHDRUM ID 83858-7168

KENNETH ZAKEN (Representative)
14807 N FORESTDALE DR
RATHDRUM ID 83858-7168



Tammy Alleman
Administrative Assistant 1

EXPLANATORY INFORMATION TO ACCOMPANY A PRELIMINARY ORDER

(To be used in connection with actions when a hearing was **not** held)

(Required by Rule of Procedure 730.02)

The accompanying order or approved document is a "**Preliminary Order**" issued by the department pursuant to section 67-5243, Idaho Code. **It can and will become a final order without further action of the Department of Water Resources ("department") unless a party petitions for reconsideration, files an exception and brief, or requests a hearing as further described below:**

PETITION FOR RECONSIDERATION

Any party may file a petition for reconsideration of a preliminary order with the department within fourteen (14) days of the service date of this order. **Note: the petition must be received by the department within this fourteen (14) day period.** The department will act on a petition for reconsideration within twenty-one (21) days of its receipt, or the petition will be considered denied by operation of law. See Section 67-5243(3) Idaho Code.

EXCEPTIONS AND BRIEFS

Within fourteen (14) days after: (a) the service date of a preliminary order, (b) the service date of a denial of a petition for reconsideration from this preliminary order, or (c) the failure within twenty-one (21) days to grant or deny a petition for reconsideration from this preliminary order, any party may in writing support or take exceptions to any part of a preliminary order and may file briefs in support of the party's position on any issue in the proceeding with the Director. Otherwise, this preliminary order will become a final order of the agency.

REQUEST FOR HEARING

Unless a right to a hearing before the Department or the Water Resource Board is otherwise provided by statute, any person aggrieved by any final decision, determination, order or action of the Director of the Department and who has not previously been afforded an opportunity for a hearing on the matter may request a hearing pursuant to section 42-1701A(3), Idaho Code. A written petition contesting the action of the Director and requesting a hearing shall be filed within fifteen (15) days after receipt of the denial or conditional approval.

ORAL ARGUMENT

If the Director grants a petition to review the preliminary order, the Director shall allow all parties an opportunity to file briefs in support of or taking exceptions to the preliminary order and may schedule oral argument in the matter before issuing a final order. If oral arguments are to be heard, the Director will within a reasonable time period notify each party of the place, date and hour for the argument of the case. Unless the Director orders otherwise, all oral arguments will be heard in Boise, Idaho.

CERTIFICATE OF SERVICE

All exceptions, briefs, requests for oral argument and any other matters filed with the Director in connection with the preliminary order shall be served on all other parties to the proceedings in accordance with IDAPA Rules 37.01.01302 and 37.01.01303 (Rules of Procedure 302 and 303).

FINAL ORDER

The Director will issue a final order within fifty-six (56) days of receipt of the written briefs, oral argument or response to briefs, whichever is later, unless waived by the parties or for good cause shown. The Director may remand the matter for further evidentiary hearings if further factual development of the record is necessary before issuing a final order. The department will serve a copy of the final order on all parties of record.

Section 67-5246(5), Idaho Code, provides as follows:

Unless a different date is stated in a final order, the order is effective fourteen (14) days after its service date if a party has not filed a petition for reconsideration. If a party has filed a petition for reconsideration with the agency head, the final order becomes effective when:

- (a) The petition for reconsideration is disposed of; or
- (b) The petition is deemed denied because the agency head did not dispose of the petition within twenty-one (21) days.

APPEAL OF FINAL ORDER TO DISTRICT COURT

Pursuant to sections 67-5270 and 67-5272, Idaho Code, if this preliminary order becomes final, any party aggrieved by the final order or orders previously issued in this case may appeal the final order and all previously issued orders in this case to district court by filing a petition in the district court of the county in which:

- i. A hearing was held,
- ii. The final agency action was taken,
- iii. The party seeking review of the order resides, or
- iv. The real property or personal property that was the subject of the agency action is located.

The appeal must be filed within twenty-eight (28) days of this preliminary order becoming final. See section 67-5273, Idaho Code. The filing of an appeal to district court does not itself stay the effectiveness or enforcement of the order under appeal.

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)
) ss.
County of Kootenai)

Brandi Beer, being first duly sworn upon oath, deposes and states:

1. I am now and at all times hereinafter mentioned was a citizen of the United States, resident of the State of Idaho, over the age of twenty-one years and not a party of the above entitled action.

2. I am now and at all times hereinafter mentioned was the printer (principal clerk) of the "Coeur d'Alene Press", a newspaper printed and published daily in Coeur d'Alene, Kootenai County, Idaho, and having a general circulation in said county.

3. The Legal notice of which the annexed is a printed copy, was published in the regular Thursday issue of said newspaper for 2 consecutive Weeks commencing on the 15 day of August, 2019, and ending on the 22 day of August, 2019, and such publication was made as often during said period as said daily newspaper was regularly issued.

4. That said newspaper has been continuously and uninterruptedly published in said Kootenai County, during a period of more than seventy-eight consecutive weeks immediately prior to the first publication of said notice

Brandi Beer.

On this 22 day of August in the year of 2019 before me, a Notary Public, personally appeared Brandi Beer, known or identified to me to be the person whose name subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledged to me that he executed the same.



Katrina George
Notary Public for the State of Idaho
Residing in Coeur d'Alene, Idaho

My Commission Expires 8/29/23

RECEIVED
AUG 26 2019
7:57 NORTH

The following application(s) have been filed to appropriate the public waters of the State of Idaho:

95-17852

KEN & AILEEN ZAKEN FAMILY TRUST
14807 N FORESTDALE DR
RATHDRUM, ID 83858-7168
Point of Diversion NESE
S32 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.1 CFS
Total Diversion: 0.1 CFS
Date Filed: 7/25/2019
Place Of Use: DOMESTIC
T52N R04W S32
NESE SESE

95-17853

COEUR D ALENE SCHOOL DISTRICT #271
1400 N NORTHWOOD CENTER CT
COEUR D ALENE, ID 83814-2657
Point of Diversion NENE
S27 T51N R04W
KOOTENAI County
Source GROUND WATER
Point of Diversion NENE
S27 T51N R04W
KOOTENAI County
Source GROUND WATER
Use: COOLING
01/01 to 12/31 1 CFS
Use: HEATING
01/01 to 12/31 1 CFS
Total Diversion: 1 CFS
Date Filed: 7/23/2019
Place Of Use: HEATING
T51N R04W S27
NENE NWNE
Place Of Use: COOLING
T51N R04W S27
NENE NWNE

95-17854

COREY STANLEY
TYLER STANLEY
12321 W PARK LN
POST FALLS, ID 83854-7125
Point of Diversion SENW
S10 T50N R05W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.06 CFS
Date Filed: 7/25/2019
Place Of Use: DOMESTIC
T50N R05W S10
SENW NESW

95-17855

COREY STANLEY
TYLER STANLEY
12321 W PARK LN
POST FALLS, ID 83854-7125
Point of Diversion SENW
S10 T50N R05W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION
03/15 to 11/15 0.06 CFS
Total Diversion: 0.06 CFS
Date Filed: 7/25/2019
Place Of Use: IRRIGATION
T50N R05W S10 SENW

95-17856

JOHN S MARTIN
ANNELLE MARTIN
149 CAMWOOD PL
CAMANO ISLAND, WA 98282-8554
Point of Diversion SWSE
S15 T48N R04W
KOOTENAI County
Source GROUND WATER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 7/29/2019

Place Of Use: DOMESTIC

T48N R04W S15

NWSE SWSE

95-17858

SCHAEFFER LAND AND TIMBER LLC
641 HUMBOLDT ST
RENO, NV 89509-1607
Point of Diversion SENW
S18 T52N R04W
KOOTENAI County
Source GROUND WATER
Use: IRRIGATION
03/15 to 11/15 1.51 CFS
Use: STOCKWATER
01/15 to 12/31 0.04 CFS
Total Diversion: 1.51 CFS
Date Filed: 8/1/2019
Place Of Use: IRRIGATION
T52N R04W S18
NENE NWNE SWNE SENE
SENW NESW NESE NWSE
Place Of Use: STOCKWATER
T52N R04W S18
NENE NWNE SWNE SENE
SENW NESW NESE NWSE
Total Acres: 75.7

95-17861

FAMILY HERITAGE LEGACY LLC
1725 E UPDAHL CT
HARRISON, ID 83833-7784
Point of Diversion L4(ENE)
S7 T49N R03W
KOOTENAI County
Source COEUR D ALENE LAKE
Tributary SPOKANE RIVER
Use: DOMESTIC
01/01 to 12/31 0.04 CFS
Total Diversion: 0.04 CFS
Date Filed: 8/6/2019
Place Of Use: DOMESTIC
T49N R03W S7 L4(ENE)
T49N R03W S8 SWNW

95-17864

PURPOSE INC
1650 W APPLEWAY AVE
COEUR D ALENE, ID 83814-9303
Point of Diversion NENE
S33 T53N R03W
KOOTENAI County
Source GROUND WATER
Use: COMMERCIAL
01/01 to 12/31 0.2 CFS
Use: IRRIGATION
04/01 to 10/31 0.1 CFS
Total Diversion: 0.2 CFS
Date Filed: 8/6/2019
Place Of Use: COMMERCIAL
T53N R03W S28 SWSE
T53N R03W S33 NENE
NWNE

Place Of Use: IRRIGATION
T53N R03W S28 SWSE
T53N R03W S33 NENE
NWNE
Permits will be subject to all prior water rights. For additional information concerning the property location, contact Northern Region office at (208) 762-2800. Protests may be submitted based on the criteria of Idaho Code § 42-203A. Any protest against the approval of this application must be filed with the Director, Dept. of Water Resources, Northern Region, 7600 N MINERAL DR STE 100, COEUR D ALENE ID 83815-7763 together with a protest fee of \$25.00 for each application on or before 9/3/2019. The protestant must also send a copy of the protest to the applicant.

GARY SPACKMAN,
Director

CDA LEGAL 2198
AD# 318068
AUGUST 15, 22, 2019